

Message Text

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PAGE 01 BRASIL 02587 01 OF 02 041128Z
ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00
SSO-00 USIE-00 INRE-00 PM-04 H-02 INR-07 L-03
NSC-05 PA-02 PRS-01 SP-02 SS-15 OMB-01 EB-08
TRSE-00 COME-00 /061 W
-----041148Z 050267 /20

O R 041100Z APR 77
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC IMMEDIATE 0878
INFO AMEMBASSY ASUNCION
AMEMBASSY BUENOS AIRES
AMEMBASSY MONTEVIDEO
AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO
AMEMBASSY BONN

UNCLAS SECTION 1 OF 2 BRASILIA 2587

E.O. 11652: N/A
TAGS: PFOR, PINT, PGOV, BR
SUBJECT: PRESIDENT EXPLAINS CLOSURE OF CONGRESS AND FEINDING
POLITICAL CHANGES

REF: A) BRASILIA 2481 (B) BRASILIA 2582

1. SUMMARY: PRESIDENT IN NATIONWIDE SPEECH APRIL 1 ANNOUNCED

RECESS SINE DIE OF CONGRESS. GEISEL PROMISED TO DECREE
NOT ONLY JUDICIAL REFORM MEASURE BUT OTHER MEASURES NECESSARY

FOR "WELL-BEING, TRANQUILITY AND POLITICAL INSTITUTIONALIZA-
TION OF THE COUNTRY." PRESIDENT, HOWEVER, DID NOT
ANNOUNCE CASSATIONS AND SAID AIM IS NOT TO PUNISH
CONGRESSMEN. INITIAL PRESS REACTION HAS SEEN PRESIDENT'S
SPEECH AS FURTHER CONFIRMATION THAT HE PREFERS TO AVOID SERIOUS
PUNITIVE ACTIONS. ARENA CHAMBER LEADER BONIFACIO TOLD
UNCLASSIFIED

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PAGE 02 BRASIL 02587 01 OF 02 041128Z

PRESS PRESIDENT WOULD NOW DECREE INDIRECT ELECTIONS AND
OTHER REFORMS WHICH HAVE EFFECT OF INSURING CONTINUED
ARENA CONTROL OF CONGRESS AND GOVERNORSHIPS. MINISTER
OF TREASURY SIMONSEN TOLD PRESS THAT THERE WOULD BE
NO LINKAGE BETWEEN BILATERAL US-GOB ECONOMIC ISSUES
AND CURRENT BRAZILIAN POLITICAL PROBLEMS. END SUMMARY.

2. PRESIDENT GEISEL IN NATIONWIDE ADDRESS

APRIL 1 CONFIRMED THAT HE HAD RECESSED CONGRESS AND ASSUMED LEGISLATIVE POWER (REFTELS) BY DECREE UNDER AI-5. PRESIDENT DID NOT INDICATE DURATION OF CONGRESSIONAL RECESS, BUT MADE CLEAR IN SPEECH THAT HE WOULD DECREE GOVERNMENT'S CONTROVERSIAL JUDICIAL REFORM ACT AND OTHER REFORMS (WHICH HE DID NOT SPECIFY) THAT HE CONSIDERED "INDISPENSABLE TO THE WELL BEING, TRANQUILITY AND THE POLITICAL INSTITUTIONALIZATION OF THE COUNTRY."

3. IN A VOICE THAT OCCASIONALLY ROSE WITH ANGER, GEISEL REVIEWED THE HISTORY OF THE CONSTITUTIONAL AMENDMENT, WHICH HE CLAIMED HAD BEEN BASED ON RECOMMENDATIONS AND EXHAUSTIVE DIAGNOSIS BY THE SUPREME COURT (STF), IN WIDE CONSULTATION WITH THE JUDICIAL BRANCH AND LEGAL PROFESSION. (IN FACT, CRITICS OF THE BILL, INCLUDING SOME JUDGES AND THE BRAZILIAN BAR ASSOCIATION, HAVE COMPLAINED BITTERLY OF THE CLOSED, IF NOT SECRET, PROCESS BY WHICH THE BILL WAS DRAWN UP. SEE BRASILIA 76A-107. DESPITE THIS APOLITICAL AND NON-EXECUTIVE CHARACTER OF THE BILL, DECLARED THE PRESIDENT, THE OPPOSITION HAD ENTERED "IRRELEVANT DEMANDS" AND HAD REMAINED INTRANSIGENT DESPITE GOVERNMENT EFFORTS TO NEGOTIATE.

4. PRESIDENT'S SHORT ADDRESS FINGERED MDB "RADICAL MINORITY" AS OBSTRUCTIONISTS WHO HAD FORCED HIM TO ACT. GEISEL STRUCK SAME THEME OF "DOCTATORSHIP OF THE MINORITY" HE USED IN MARCH 31 SPEECH ON ANNIVERSARY OF THE REVOLUTION (REF B) EMPHASIZING ARENA HAD BEEN UNCLASSIFIED

UNCLASSIFIED

PAGE 03 BRASIL 02587 01 OF 02 041128Z

"OPEN" TO VOTE ON MERITS OF ACT, WHEREAS MDB HAD DECLARED VOTE "CLOSED" THUS INVOKING PARTY DISCIPLINE TO DETRIMENT OF NATIONAL INTEREST. GEISEL SEVERAL TIMES USED TERMS "OPENED" AND "CLOSED" TO CONTRAST ARENA AND MDB STANCES ON JUDICIAL REFORM. PRAISING ARENA, GEISEL SAID HE DID "NOT AIM TO PUNISH CONGRESSMEN" BUT THAT IT WAS NECESSARY TO ACT FOR THE GOOD OF THE COUNTRY. IF THE OPPOSITION, ON THE OTHER HAND, BEHAVED IN THIS MANNER WITH REGARD TO AN APOLITICAL MATTER OF UNIVERSAL INTEREST SUCH AS THE REFORM BILL, CONCLUDED GEISEL, IT IS CLEAR THAT SUCH "ANTI-DEMOCRATIC ACT" (SIC) WOULD ALSO BE USED TO BLOCK THE INSTITUTIONAL IMPROVEMENTS REQUIRED FOR CONTINUED, BUT NECESSARILY SLOW, POLITICAL

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PAGE 01 BRASIL 02587 02 OF 02 041143Z
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UNCLAS SECTION 2 OF 2 BRASILIA 2587

PROGRESS, AND FOR THE AVOIDANCE OF "CRISES EVERY
TWO YEARS" (PRESUMABLY REFERRING TO DIRECT ELECTIONS).

5. IN INITIAL REACTION IN FIRST NEWSPAPERS AVAILABLE
APRIL 2, SPEECH WAS INTERPRETED TO MEAN THAT CONGRESSIONAL
RECESS WILL BE BRIEF AND THAT DISSENTING LEGISLATORS WOULD BE
CASSATED ONLY AS LAST RESORT. A FREQUENT INTERPRETATION IN
PRESS AND POLITICAL CIRCLES IS THAT RECESS IS A TECHNICAL
RATHER THAN PUNITIVE ACT. ARENA CHAMBER LEADER JOSE
BONIFACIO TOLD PRESS APRIL 1 THAT OTHER REFORMS PRESIDENT
HAD IN MIND WERE INDIRECT ELECTIONS, PASSAGE OF CONSTITUTIONAL
AMENDMENTS BY CONGRESS WITH VOTE OF SIMPLE MAJORITY
RATHER THAN TWO-THIRDS (WHICH IS CASE OF JUDICIAL REFORM
LED TO OBSTRUCTION), CREATION OF A COUNCIL OF STATE,
REFORMULATION OF PARTY FIDELITY PROVISIONS OF CONSTITUTION,
WHICH WOULD PROBABLY LEAD TO A CHANGE IN THE CONFIGURATION
OF POLITICAL PARTIES, AND OTHER ELECTION REFORMS WHICH
WOULD HAVE THE EFFECT OF GUARANTEEING REVOLUTION'S
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PAGE 02 BRASIL 02587 02 OF 02 041143Z

CONTROL OVER CONGRESS AND GOVERNORSHIPS. (COMMENT:
AND WOULD ALSO EFFECTIVELY BAR MDB FROM POWER). BONIFACIO
DENIED PRESIDENT PLANNED TO RESTORE PRESS CENSORSHIP.
ASKED WHETHER PRESIDENT CARTER'S LETTER MAY HAVE HELPED
DISSUADE GEISEL FROM OPTING FOR CASSATIONS, BONIFACIO

DECLINED TO CONFIRM THIS INTERPRETATION. BONIFACIO COMMENTED THAT LETTER WAS INTERESTING BECAUSE OF ITS INTRINSIC RATHER THAN EXTRINSIC ASPECTS. HE DESCRIBED THE LETTER AS "VERY GOOD FOR BRAZIL."

6. ARENA SENATOR JARBAS PASSARINHO CLAIMED THAT GOVERNMENT CRISIS EVOLVED WHEN MDB DEMANDED THAT HABEAS CORPUS FOR POLITICAL ARRESTS BE INCLUDED IN THE JUDICIAL REFORM BILL. PASSARINHO, WHO SOMETIMES REPRESENTS MILITARY VIEW IN SENATE, SAID THIS WOULD VIOLATE AI-5 WHICH HAD BEEN PROVIDED TO THE GOVERNMENT FOR THE SELF-DEFENSE OF SOCIETY AS A PREVENTIVE INSTRUMENT AGAINST TERRORISM. PASSARINHO WENT ON TO ACCUSE MDB OF PREMEDITATED EFFORT TO POLARIZE CONGRESS, AND SAID THAT THOSE WHO APPLAUDED DEFEAT OF REFORM AMENDMENT (REF A) ARE "THE SAME APPLAUDERS THAT TODAY PROBABLY APPLAUD EQUALLY THE CLOSING OF CONGRESS."

7. MDB WILL FORMULATE ITS RESPONSE TO PRESIDENT AT MEETING OF NATIONAL EXECUTIVE COUNCIL APRIL 2. NATIONAL PRESIDENT ULYSSES GUIMARAES DECLARED THAT PARTY DECISION WAS TAKEN WITHIN CONSTITUTIONAL FRAMEWORK AND THAT IN ANY PARLIAMENT THE PARTIES ARE ABLE TO VOTE FOR OR AGAINST ANY ISSUE. HE ADDED "THE PARTY WILL CONSIDER THAT THE SANCTION WAS AGAINST CONGRESS AND NOT ONLY THE MDB AND IS GRAVE AND UNJUST."

8. PRESS REPORTS THAT MINISTER OF FINANCE SIMONSEN ON EVE OF DEPARTURE FOR US ADMITTED THAT THE CLOSURE OF CONGRESS WOULD REVERBERATE IN AMERICAN PRESS, BUT HE DOUBTED IT WOULD CAUSE SIGNIFICANT PROBLEMS IN THE

UNCLASSIFIED

PAGE 03 BRASIL 02587 02 OF 02 041143Z

ECONOMIC RELATIONS BETWEEN THE TWO COUNTRIES. SIMONSEN INSISTED TO REPORTERS THERE WOULD BE NO LINKAGE BETWEEN ECONOMIC ISSUES AND GOB-USG POLITICAL PROBLEMS.
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Disposition Comment:
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